

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT NO. 1213**

ORIGINAL

T06-0080

This Agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission ("Commission"), the BNSF Railway Company ("BNSF" or "Company"), Wethersfield Township Road District ("Road District"), and the State of Illinois, Department of Transportation ("Department" or "IDOT").

WITNESSETH:

WHEREAS, it has come to the attention of the Commission through correspondence from the Road District that inquiry should be made into the matter of improving public safety at the TR 361/450N highway-rail grade crossing of the Company's track near the City of Kewanee, Henry County, designated as crossing (AAR/DOT #079 745K; railroad milepost 134.26-A); and

WHEREAS, proper investigation has been made of the circumstances surrounding the subject crossing by a representative of the Commission's Transportation Division Railroad Section; and

WHEREAS, the physical aspects, including geometrics of the intersection, train movements, vehicular traffic volume, and sight distances and other pertinent data relating to the crossing have been obtained and shown on Exhibit A, attached to this Agreement; and

WHEREAS, the parties are mutually agreeable to accomplish proposed improvements to the crossings upon determination of the Commission by Order.

NOW, THEREFORE in consideration of the promises and of the mutual covenants and agreements as hereinafter contained the parties pray that the Commission enter an Order according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law, 625 ILCS 5/18(c)-7401, requiring that certain improvements as hereinafter stated be made and that the cost for the proposed improvements be divided among the parties according to law and that in the interest of the traveling public the Grade Crossing Protection Fund ("Fund") of the Motor Fuel Tax Law ("MFT") be required to bear a substantial portion of the cost; To Wit the parties agree as follows:

Section 1 All improvements encompassed by this Agreement shall be made in accordance with all applicable State laws, rules, standards, regulations and orders and procedures in general.

Section 2 The parties are of the opinion that the following improvements in the interest of public safety at the aforesaid crossings should be:

DOCKETED

- (a) Vacation of TR 361/450N highway-rail grade crossing of the Company's track, by the Road District.
- (b) Installation of temporary Type-III barricades conforming to the requirements of 92 Illinois Administrative Code 1535.701 and the Manual on Uniform Traffic Control Devices, by the Road District.
- (c) Removal of the existing grade crossing surface and passive warning signs at the existing TR 361/450N highway-rail grade crossing, by the Company.
- (d) Installation of permanent barricades conforming to the requirements of 92 Illinois Administrative Code 1535.701 and the Manual on Uniform Traffic Control Devices, by the Road District.
- (e) Payment as detailed *infra* from the Grade Crossing Protection Fund to the Road District for voluntary closure of the TR 361/450N highway-rail grade crossing, by IDOT.

Section 3 The Road District shall pass a local ordinance vacating TR 361/450N, with a stipulation that final vacation of the roadway shall not take place until a Commission Order has been issued authorizing an incentive payment from the Grade Crossing Protection Fund for closure of the TR 361/450N highway-rail grade crossing. Following passage of the local vacation ordinance, the Road District shall erect temporary barricades to prevent vehicular access to the TR 361/450N crossing. The temporary barricades shall be erected by the Road District within three (3) business days from the date the vacation ordinance was passed by the Road District. The Road District will be responsible for all costs to erect and maintain the temporary barricades.

Section 4 The Company shall upon Order, according to the requirements contained therein, remove the crossing surface and passive warning signs at the TR 361/450N highway-rail grade crossing. The work shall be completed within sixty (60) days after the Company receives a copy of the Order. BNSF shall provide all parties with notice that the work has been complete within five (5) days of completion.

The Road District shall upon Order, according to the requirements contained therein, install permanent barricades on both sides of the TR 361/450N grade crossing at the Company's right of way (ROW) limits. The work shall be completed within thirty (30) days after the Road District receives a copy of the Order. The Road District shall provide all parties with notice that the work has been complete within five (5) days of completion. Prior to the Road District's installation of the permanent barricades, BNSF shall identify its ROW limits at the TR 361/450N grade crossing.

Section 5 The parties agree that an equitable division of cost for the proposed improvements is as follows:

- COST DIVISION TABLE -

IMPROVEMENT	EST. COST	GCPF	ROAD DISTRICT	COMPANY
Vacate TR 361/450N by Local Ordinance; erect Temporary Barricades	No Estimate Required	\$0	100% ²	\$0
Remove existing surface and warning signs at the TR 361/450N grade crossing	No Estimate Required	\$0	\$0	100%
Install permanent barricades at the TR 361/450N grade crossing	No Estimate Required	\$0	100% ⁴	\$0 ³
Provide Grade Crossing Protection Fund Incentive Payment for Voluntary Closure of the TR 361/450N grade crossing.	\$50,000	100% ¹ (\$50,000)	\$0	\$0
Provide Incentive Payment for Voluntary Closure of the TR 361/450N grade crossing.	\$30,000	\$0	\$0	\$30,000
TOTALS	\$80,000	\$50,000	\$-----	\$30,000

[Totals do not reflect costs where no estimates were provided.]

Notes:

¹ Total Grade Crossing Protection Fund (GCPF) payment not to exceed \$50,000 for the Township's voluntary closure of the TR 361/450N crossing.

² The Road District shall be responsible for all costs associated with erecting and maintaining temporary barricades to prevent vehicular access to the TR 361/450N highway-rail grade crossing.

³ The Company shall identify its right of way (ROW) limits at the TR 361/450N grade crossing for the Road District prior to the installation of the permanent barricades.

⁴ The Road District shall be responsible for all costs associated with installing and maintaining the permanent barricades.

Section 6 The Road District is financially able and willing to bear an equitable portion of the cost for the proposed improvements as may be assigned by the Order and indicates this intent by Resolution attached and incorporated herein by reference as Exhibit D.

Section 7 Special Provisions: The Road District shall submit a certified copy of the local vacation ordinance to all parties, as evidence that the roadways have been vacated. The Road District shall submit the vacation ordinance to all parties, via registered mail, at the same time as the Execution Page of this Agreement is submitted to the Commission.

Within sixty (60) days from receipt of the Commission Order, the Department shall issue a check for \$50,000 as payment from the Grade Crossing Protection Fund to the Motor Fuel Tax to the Road District for voluntary closure of the crossing, subject of this agreement. The Department shall notify all parties when the check has been issued.

Upon receipt of the Commission Order, the Company shall remove the crossing surfaces and passive warning devices at the TR 361/450N highway-rail grade crossing. The Road District shall install permanent barricades at the Company's ROW line. The permanent barricades shall conform to the requirements of 92 Illinois Administrative Code, Part 1535.701, and the Manual on Uniform Traffic Control Devices. The Road District shall

install the appropriate regulatory and warning signs conforming to the requirements of the Manual on Uniform Traffic Control Devices. All barricades and warning signs are to be maintained by the Road District.

The Company and the Road District shall complete and submit the Project Manager Information portion of the Project Status Report sheet, attached as Exhibits C and C1, along with this executed Agreement.

The Company and the Road District shall, at six (6) month intervals from the date of the Commission Order approving this Agreement, submit to the Director of Processing and Information, Transportation Bureau of the Commission, a Project Status Report, attached as Exhibits C and C1, regarding the progress it has made toward completion of the work required by this Agreement. Each Project Status Report shall include the Commission Order's docket number, the Order date, the project completion date as noted in the Order, crossing information (inventory number and railroad milepost), type of improvement, and the name, title, mailing address, phone number, facsimile number, and electronic mailing address of the Company and the Road District Project Manager.

Section 8 This Agreement shall be binding upon the parties hereto, their successors or assigns. Upon execution of this Agreement by all parties, the Commission shall enter an appropriate Order, within 60 days accepting or rejecting such stipulation according to the provisions contained herein.

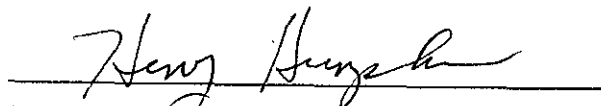
In Witness Whereof, the parties have caused this Agreement to be executed by their duly authorized officers, as of the dates indicated on their respective Execution Pages, attached hereto.

Executed by the Commission this 28th day of June 2006.

A handwritten signature in black ink, appearing to read "Michael E. Stead", written over a horizontal line.

Michael E. Stead
Rail Safety Program Administrator

Attest:

A handwritten signature in black ink, appearing to read "Henry Humphries", written over a horizontal line.

Henry Humphries
Railroad Safety Specialist

Illinois Commerce Commission Stipulated Agreement No. 1213, executed by Commission Staff on June 28, 2006, concerning vacation of the TR 361/45N (AAR/DOT #079 745K; railroad milepost 134.26-A) highway-rail grade crossing of the BNSF Railway Company's track, located near the City of Kewanee, Henry County, Illinois.

Executed by the Illinois Department of Transportation this 27th day of July 2006.

STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION

By:

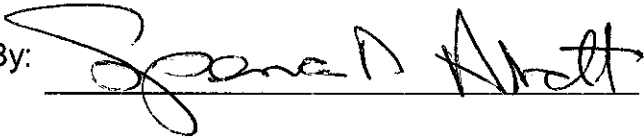


Milton R. Sees, Director of Highways / Chief Engineer

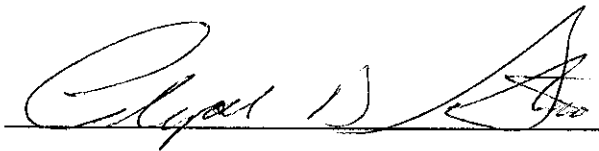
Illinois Commerce Commission Stipulated Agreement No. 1213, executed by Commission Staff on June 28, 2006, concerning vacation of the TR 361/45N (AAR/DOT #079 745K; railroad milepost 134.26-A) highway-rail grade crossing of the BNSF Railway Company's track, located near the City of Kewanee, Henry County, Illinois.

Executed by BNSF Railway Company this 12 day of JULY 2006.

BNSF RAILWAY COMPANY

By: 

Attest:

 7-12-06

Illinois Commerce Commission Stipulated Agreement No. 1213, executed by Commission Staff on June 28, 2006, concerning vacation of the TR 361/45N (AAR/DOT #079 745K; railroad milepost 134.26-A) highway-rail grade crossing of the BNSF Railway Company's track, located near the City of Kewanee, Henry County, Illinois.

Executed by Wethersfield Township Road District this 31 day of August 2006.

WETHERSFIELD TOWNSHIP ROAD DISTRICT

By: Mark Elby

Attest:

Steve L. B...
Henry County Engineer

**ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT
CROSSING DATA FORM**

GENERAL INFORMATION: See Location Sketch

RAILROAD	BNSF
USDOT#, MILEPOST	079 745K, 134.26-A
STREET, CITY, COUNTY	TR361 (450N), near Kewanee, Henry County
JURISDICTION (RDWY)	Wethersfield Township
LOCATION	Rural, Commercial/Residential
STREET SURFACE	18' Oil/Chip, Fair Condition

CROSSING DATA: See Location Sketch for roadway profile and track centers

TRACK (W-E or N-S)	SURFACE TYPE	SURFACE WIDTH	SURFACE CONDITION
Main	FDT	24'	Fair
Main	FDT	24'	Fair

ROADWAY DATA: See Location Sketch

INTERSECTING ROADS:	None
TRAFFIC CONTROL	None
ADT & SPEED	50 Vehicles Per Day @ 55 MPH (Unposted)
TRAFFIC TYPE	Passenger, School Buses, Hazardous Materials, All possible
ADVANCE WARNING	Yes
PAVEMENT MARKING	No

RAILROAD DATA: See Location Sketch

FREIGHT TRAFFIC	32 Per day @ 60 MPH, Day & Night? Yes
PASSENGER TRAFFIC	6 per day @ 79 MPH
WARNING DEVICES	Crossbucks/Yield

NOTES:

VISIBILITY STUDY: See Location Sketch

Train Speed	79	MPH
Roadway Speed	55	MPH
Required Stopping Sight Distance (SSD)		
Along Roadway	573'	FEET
Along Tracks	938'	FEET
Required Clearing Sight Distance (CSD) (Along Tracks)	1,918'	FEET

Distances calculated per American Association of State Highway and Transportation Officials (AASHTO), A Policy on Geometric Design of Highways and Streets, 2001, Fourth Edition.

QUADRANT	CSD (FT)	OBSTRUCTION	SSD (FT)	OBSTRUCTION
NE	OK*		OK*	#
NW	OK*		OK*	#
SE	OK*		OK*	#
SW	OK*		OK*	#

*Note: The installation of automatic flashing light signals and gates eliminate the need to satisfy minimum Sight Distance criteria.

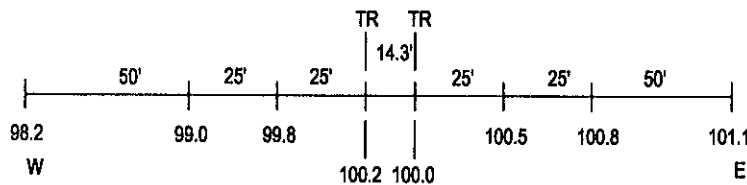
APPROACH GRADES: See Location Sketch

DIRECTION: EAST			DIRECTION: WEST		
DISTANCE (FT)	ELEVATION (FT)	GRADE (%)	DISTANCE (FT)	ELEVATION (FT)	GRADE (%)
Meets	92	ILL	ADM	Code	1535
"	"	"	"	"	"

Distance measured from outermost rail.

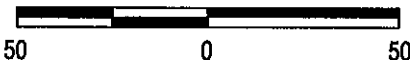
COMMENTS: See Page 3 (Aerial Photo) for Location Sketch

- No sight obstructions presently; if mature crops (corn) are in the adjacent field, sight distance in that quadrant would be restricted.



ROAD PROFILE

SCALE IN FEET



③ Photo Location

Crossing #: 079745K

Location: Henry Co., City of Kewanee (Near)

Lat/Long: 41°12'54" / 89°58'14"

Railroad: BNSF

Street: 450 N

Railroad Milepost: 134.26

Crossing Protection: Sign

ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT

Date 8/31/06

Agreement # 1213

The Board or Council of Wethersfield Township Road District meeting on
8/31/06, Resolved to authorize MAEIL EUBS, Commissioner
(Date) (Name, Office)

to act as its designated agent in the processing of this Stipulated Agreement and
that Wethersfield Township Road District is financially willing and able to bear the
cost for the proposed improvements as may be assigned to it according to Section
5 of this Agreement.

STATE OF ILLINOIS)
) SS
COUNTY OF HENRY)

ROAD VACATION CERTIFICATE

This ROAD VACATION Certificate is prepared by Mark Elbus, Wethersfield Township Road District Commissioner on behalf of said ROAD DISTRICT pursuant to the provisions of § 5/6-301 *et seq* of the ILLINOIS ROAD AND BRIDGE ACT, 605 ILCS 5/6-301 under the following terms and conditions:

1. WETHERSFIELD TOWNSHIP ROAD COMMISSIONER, Mark Elbus ("ROAD COMMISSIONER") seeks to close the roadway described on the attached legal description schedule which are attached hereto and collectively referred to as Exhibit A hereof.
2. The ROAD COMMISSIONER believes that the vacation of said roadway is in the public and economic interest of the residents of WETHERSFIELD TOWNSHIP ROAD DISTRICT.
3. The ROAD COMMISSIONER believes that any person residing or owning land within two miles of any portion of any said roadway proposed to be vacated has reasonable access by way of a motor vehicle or other portable farm machinery, commonly used in the area to farm land he owns or operates and to community and trade centers after said roadway is vacated.
4. A copy of this CERTIFICATE with all attachments has been filed with WETHERSFIELD TOWNSHIP ROAD DISTRICT CLERK, and Henry County Clerk, Henry County Courthouse, Cambridge, Illinois. A copy has also been filed with Steven L Brandau, HENRY COUNTY ENGINEER, Henry County Highway Department, Cambridge, Illinois.
5. A Public Hearing will be held upon this CERTIFICATE to vacate Township Road. Ten days advance written notice of the time and place of such Hearing shall be provided to HENRY COUNTY ENGINEER, Steven L Brandau, and by publication in the Kewanee Star Courier, Kewanee, Illinois, a newspaper with a general circulation in WETHERSFIELD TOWNSHIP ROAD DISTRICT.
6. The ROAD COMMISSIONER anticipates that said first Hearing shall also be the final Hearing. Said final Hearing may be held at the time of the preliminary meeting pursuant to 605 ILCS 5/6-305.
7. The vacation shall take effect upon final order being issued by the Illinois Commerce Commission.

Dated: August 22, 2006

WETHERSFIELD TOWNSHIP ROAD DISTRICT



By: Mark Elbus, Road Commissioner

EXHIBIT A

Wethersfield Road District

Near the NE corner of the NW1/4 of the SE1/4 of Section 7 Township 14 North – Range 5 East of the 4th PM, the BNSF railroad crossing of TR361 included is the section between the BNSF right-of-way lines approximately 125' to be vacated.

**ILLINOIS COMMERCE COMMISSION
TRANSPORTATION DIVISION / RAIL SAFETY SECTION**

PROJECT STATUS REPORT

TYPE: (CHECK ONE)

PROGRESS	<input checked="checked" type="checkbox"/>
COMPLETION ¹	<input type="checkbox"/>

DATE	8/31/06
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PROJECT INFORMATION:

Reporting Party:	Wethersfield Township Road District
Docket/Order #: Date:	
Status Reports Due:	
Ordered Completion Date:	
Completion Report Due ¹ :	
AAR/DOT#, RR Milepost:	
Street, (in/near) City, County:	
Railroad Company:	

¹ Completion reports involving changes to the railroad crossing must include an updated USDOT Inventory Form.

PROJECT MANAGER INFORMATION²:

Name:	Steven Brandau
Title:	Henry County Engineer
Representing:	Henry County & Wethersfield Road District
Street Address:	100 North East Road
City, State, Zip:	Cambridge IL 61238
Office Phone:	309-937-3346
Office Fax:	309-937-3348
Cellular Phone:	309-944-7604
E-Mail Address:	sbrandau@henrycty.com

DESCRIPTION OF IMPROVEMENTS ORDERED:

Close, abolish and install barricades at the TR 361/450N highway-rail grade crossing near Kewanee, Henry County.

STATUS OF WORK: (use additional blank sheet, if necessary)

**ILLINOIS COMMERCE COMMISSION
TRANSPORTATION DIVISION / RAIL SAFETY SECTION**

PROJECT STATUS REPORT

TYPE: (CHECK ONE)

PROGRESS	
COMPLETION ¹	

DATE	
------	--

PROJECT INFORMATION:

Reporting Party:	BNSF Railway Company
Docket/Order #; Date:	
Status Reports Due:	
Ordered Completion Date:	
Completion Report Due ¹ :	
AAR/DOT#, RR Milepost:	
Street, (in/near) City, County:	
Railroad Company:	

¹Completion reports involving changes to the railroad crossing must include an updated USDOT Inventory Form.

PROJECT MANAGER INFORMATION²:

Name:	<i>Craig Rasmussen</i>
Title:	<i>Manager Public Projects</i>
Representing:	<i>BNSF Railway</i>
Street Address:	<i>80 - 44th Ave. NE.</i>
City, State, Zip:	<i>Minneapolis, MN 55421</i>
Office Phone:	<i>(763) 782-3468</i>
Office Fax:	<i>(763) 782-3061</i>
Cellular Phone:	
E-Mail Address:	<i>craig.rasmussen@BNSF.com</i>

²Project Manager information to be submitted by BNSF Railway Company

DESCRIPTION OF IMPROVEMENTS ORDERED:

Close, abolish and install barricades at the TR 361/450N highway-rail grade crossing near Kewanee, Henry County.

STATUS OF WORK: (use additional blank sheet, if necessary)

Mail directed to the **Rail Safety Section** or the **Director of Processing and Information**, Transportation Bureau of the Commission should be addressed to:

Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701-1827

If you have questions contact:

Henry Humphries, Railroad Safety Specialist
Phone: 217/785-8423
Email: hhumphri@icc.illinois.gov

A **Form 3 Petition** can be obtained from the Illinois Commerce Commission by calling 217/782-7660 or on the web at:

<http://www.icc.state.il.us/hg/library.aspx?key=Railroad%20Safety>

United States Department of Transportation Inventory Form #6180.71 can be obtained on the web at:

<http://safetydata.fra.dot.gov/OfficeofSafety/Forms/Default.asp>

Submit Inventory forms to:

Federal Railroad Administration Office of Safety 1120 Vermont Avenue, NW Washington, DC 20590	<u>And</u>	Chief of Data Services Illinois Department of Transportation 2300 S. Dirksen Parkway, Room 318 Springfield, IL 62764
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